

Staff Summary Report



Development Review Commission Date: 07/08/08

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a Code Text Amendment for ZONING AND DEVELOPMENT CODE AMENDMENTS.

DOCUMENT NAME: DRCr_ZDCamendments_070808

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS (PL080143)** (City of Tempe Development Services, applicant) consisting of changes within the Code providing investment opportunities in our single-family residential neighborhoods relating to provisions for increased fence heights in the front yard, rear yard building setbacks when adjacent to an alley, and time limitations for holding a required neighborhood meeting. The request includes the following:

ZOA08001 – (Ordinance No. 2008.28) Code Text Amendment for the Zoning and Development Code Sections 4-202, 4-706, 6-308, and 6-402.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)
Ryan Levesque, Senior Planner (480-858-2393)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

A handwritten signature in black ink, appearing to be 'L Collins', written over the name Lisa Collins.

LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: A neighborhood meeting is not required with this application. This amendment proposal was provided to the Neighborhood Advisory Commission on June 7, 2008.

- PAGES:**
1. List of Attachments
 - 2-3. Comments / Reason for Approval
 4. History & Facts / Reference

- ATTACHMENTS:**
- 1-4. Ordinance No. 2008.28
 5. Letter from Neighborhood Advisory Commission

COMMENTS:

Provided is a list of items proposed for amendments to the Zoning and Development Code. These items primarily pertain to promoting reinvestment within our single family neighborhoods by allowing greater flexibility in the Code regulations. These changes are consistent with previous approvals granted from past requests. Additionally, a recommendation to place a time limitation on how early a required neighborhood meeting may be set. Below are the proposed amendments to the Code and their explanations:

Sec. 4-706 (A)(1), Wall Heights

The Code requires walls within the required front yard building setback to have a maximum height of 4'-0". Staff is recommending an allowance for additional wall height greater than 4'-0", subject to processing of a use permit (public hearing) with specific approval criteria. Staff has processed several requests for wall height increases in the front yard setback (see chart below), as well as undocumented inquiries to build taller fencing. Requests would be reviewed on a case-by-case basis in terms of its compatibility and could allow elements such as archways and fencing that would still allow visual surveillance of the surrounding area. Therefore, staff recommends allowing heights of a wall/fence to be up to eight (8) feet in height for single-family (10 feet in other areas) subject to a use permit process to determine the appropriateness of the request.

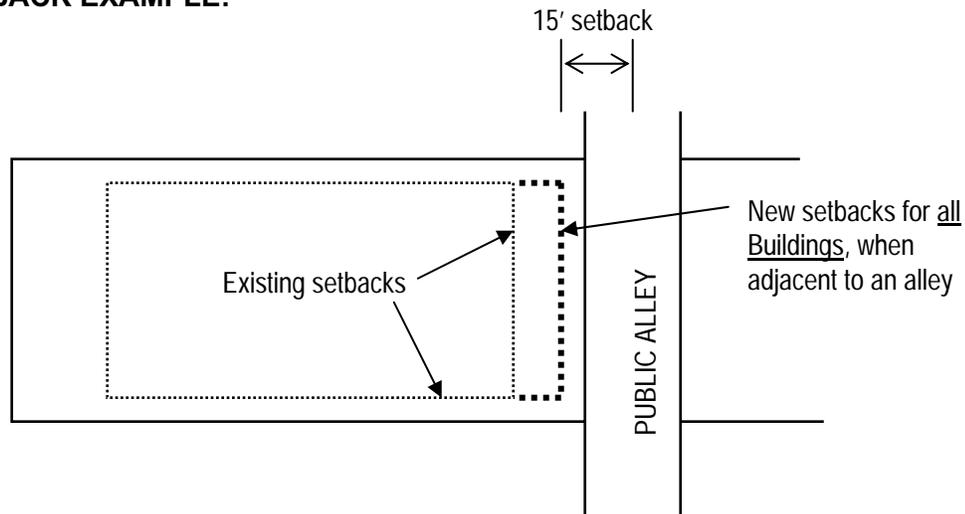
Requests 2003-2008	# of Requests	Approvals	Denials	Average Height	Range
Wall Height Variances	10	7	3	6'-4"	4'-0" to 8'-0"

Sec. 4-202, Rear Yard Building Setbacks

Last year a Code amendment was adopted that allowed "accessory buildings" to be located closer to the rear yard property line when adjacent to a public alley; the setback modification allowed for the rear yard to be measured from the centerline of the alley. Staff recommends including this provision for the rear yard building setbacks in a single-family zoning district. Staff has processed nine requests for rear yard setback reductions in the past five years (See chart below). Staff is recommending relief in the rear yard setback when adjacent to a public alley. Base on a typical alley (20 feet), a property could measure ten feet of the alley for the purpose of a building setback, allowing a setback five feet from the property wall, if any (see example below). The rationale behind the recommended change is that rear yard setbacks are intended to provide adequate separation from adjoining properties in a single-family neighborhood, while still maintaining a private yard for the personal enjoyment of the neighboring residents. If an alley exists, there is perceived to be less imposition on the adjacent properties.

Requests 2003-2008	# of Requests	Approvals	Denials	Average Setback	Range
Rear Yard Setback Variances	9	6	3	7'-6"	15'-0" to 1'-0"

R1-6 ZONING SETBACK EXAMPLE:



Sec. 6-402, Neighborhood Meetings

Recommend defining a time limitation for scheduling the required neighborhood meeting for a project. This change is in response to concerns raised by the Development Review Commission on a previous project that had complied with the requirements of a neighborhood meeting, but did not hold its first public hearing until well after the initial neighborhood meeting. The project was recommended by the Commission to hold another meeting to inform local residents, but not required. As a result of the large gap in time from the initial neighborhood meeting to the first public hearing (over 2 years), establishing a time table of when a meeting should be held is suggested. Staff recommends limiting a project to no more than a one year time period before holding a required neighborhood meeting. This would allow a project to garner preliminary feedback and respond to any suggested changes before submitting a formal application, with subsequent hearings scheduled in accordance with the City's procedures. If a project's first public hearing for a request extended beyond one year from the date of a neighborhood meeting, the request will be required to hold another neighborhood meeting, consistent with the requirements of the Code and no earlier than fifteen days before the first public hearing, as currently required.

Staff also recommends requiring a notification time period on the neighborhood meeting consistent with all other public hearing notices. In addition, staff recommends adding language to what the larger neighborhood meeting signs should, such as the future corresponding hearing dates. This is a current practice of the Development Services Department, working with the applicant to supply accurate information on the signs that is all inclusive.

Public Input

On June 7, 2008 the Neighborhood Advisory Commission recommended support of the proposed changes in the Zoning and Development Code. One comment from the Neighborhood Advisory Commission suggested providing illustrations in the Code, demonstrating the type of acceptable wall height allowances. Staff recommends at this time not to include any illustrations because the requested height is subject to a use permit approval process. One would assume that if the resident followed the illustration the additional wall height would be granted. The request needs to be evaluated on a case by case basis for the context of the area, any public feedback, as well as maintaining acceptable visual surveillance.

REASONS FOR APPROVAL:

1. The proposed amendments meet the goals and objectives of the General Plan.
2. The setback reductions for buildings implements the General Plans Neighborhood Element by encouraging reinvestment and redevelopment appropriate to each neighborhood, by promoting neighborhood preservation and enhancement within the neighborhoods.
3. The neighborhood meeting time limitation ensures current residents of an area an opportunity to voice their comments.

CONDITIONS OF APPROVAL:

NONE PROPOSED

HISTORY & FACTS:

- May 27, 2008 Development Review Commission reviewed at a study session a memorandum of proposed Zoning and Development Code Text Amendments regarding wall height, rear yard building setbacks and neighborhood meetings. Questions were provided by the Commission at the meeting.
- June 7, 2008 Neighborhood Advisory Commission reviewed a memorandum of proposed Zoning and Development Code Text Amendments regarding wall height, rear yard building setbacks and neighborhood meetings. The Commission recommended approval of the proposed changes.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments and Code Text Amendments